

# Placement Policy Guidance for NYC Supportive Housing

DOHMH, DSS, and HPD Joint Policy Release



# Presenters

## NYC Department of Health and Mental Hygiene

- ▶ Jamie Neckles, Assistant Commissioner, Bureau of Mental Health

## NYC Department of Housing Preservation & Development

- ▶ Aileen Reynolds, Assistant Commissioner, Housing Opportunity
- ▶ Sara Tempel, Director, Housing Opportunity

## NYC Human Resources Administration

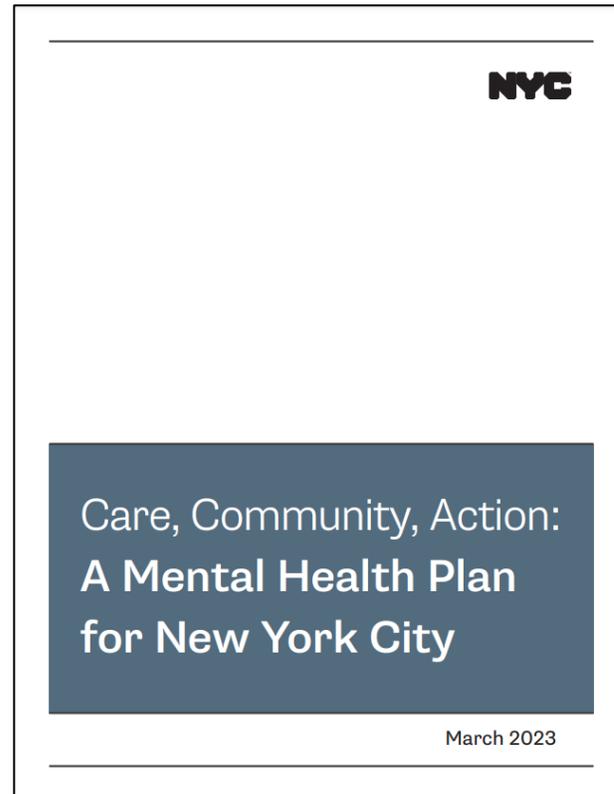
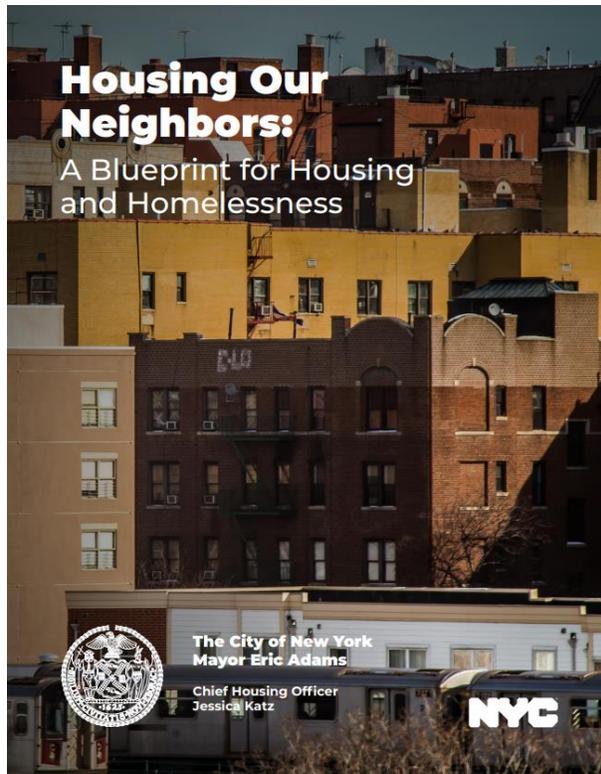
- ▶ Craig Retchless, Deputy Commissioner, OSAHS
- ▶ Alyson Zikmund, Assistant Deputy Commissioner, OSAHS

# Agenda and Goals for today

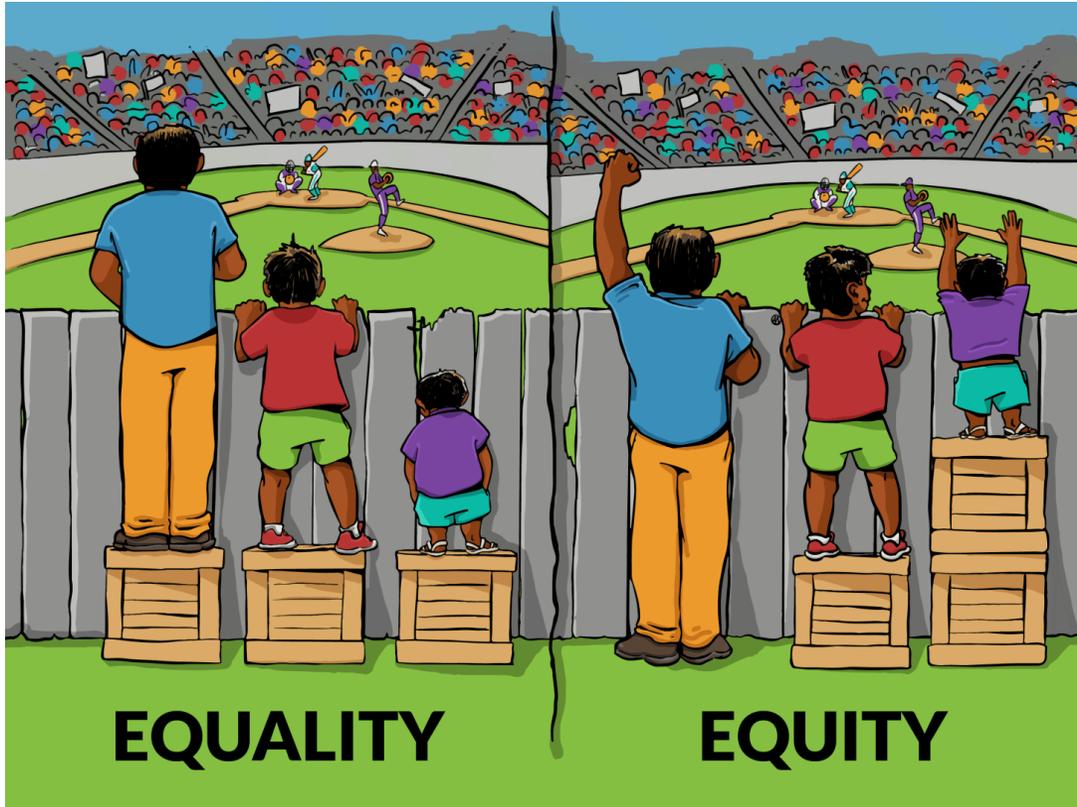
- ▶ NYC's commitment to reducing barriers to supportive housing
- ▶ Review clear guidance on topics related to processing housing applicants for placement in NYC supportive housing units:
  - ▶ Referrals
  - ▶ Supportive Housing Determination Letter
  - ▶ Appointments and Apartment Viewings
  - ▶ Appropriate rejection reasons
  - ▶ Low Barrier Admissions Policies

# NYC's Commitment

- ▶ Advance racial justice through low barrier supportive housing admissions policies
- ▶ Promote health equity by reducing the time and paperwork to apply for and access supportive housing



# Advancing Racial Justice & Health Equity



Policies and procedures centered in equity can address and redress the impact of racism and discrimination

# Referrals

HRA will select prospective tenants for referral to available supportive housing units based on the following factors:

- Eligibility (e.g., 15/15 single adult, ESSHI substance use disorder, NY/NY III Pop F)
- The Standardized Vulnerability Assessment (SVA) - prospective tenants with SVAs of “High” are prioritized
- Length of time the prospective tenant has been homeless
- Prospective tenant’s needs and preferences (e.g., borough, elevator building)
- Prospective tenant’s recent referral history. If a prospective tenant already has an upcoming referral, the HRA OSAHS will refer someone who does not currently have a referral.

HRA will schedule up to three eligible prospective tenants per unit. If the homeless services provider notifies OSAHS that a selected prospective tenant cannot make the appointment, OSAHS will refer a new eligible prospective tenant, provided there is enough notice.

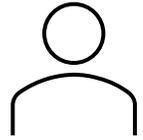
Referrals will only consider specific eligibility criteria, such as age or gender, when the supportive housing unit is subject to a regulatory or contractual agreement that requires selection based on those criteria.

# NYC Supportive Housing Determination Letter Clarifications

- ▶ Services that are “recommended” or “to be considered” are not required for the prospective tenant to live in the housing for which they were approved. These recommendations are intended to complement the housing provider’s intake and tenant service planning process.
- ▶ When “medication support” is included as a recommended service, the housing provider should inquire how medication may relate to the tenant’s personal goals as a part of the housing provider’s intake and tenant service planning process. This term does not mean medication supervision or management is needed by the prospective tenant.
- ▶ Examples of medication support include discussing medications and side effects, planning for refills on medications, counseling for upcoming appointments/interactions with health providers, etc. These are all part of the person’s ongoing care plan.
- ▶ Recommendation/considerations in the determination are not reasons for rejections.

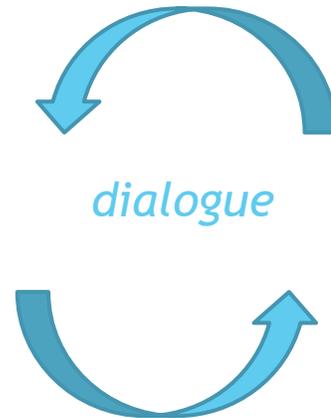
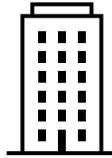
# During the Appointment/Apartment Viewing

## Prospective Tenant

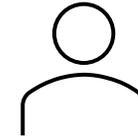


- Check out unit in person or virtually
- Meet with the Social Service provider and facilities manager to ask questions about the building amenities, services, and community
- Do I want to live here?

## Available Apartment



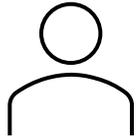
## Housing Provider



- Request documents required for tax credit programs, rental subsidies or other applicable affordable housing program
- Confirm eligibility
- How can we make this work?
- Reschedule if prospective tenant unable to complete the viewing

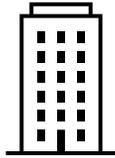
# After the Appointment/Apartment Viewing

## Prospective Tenant

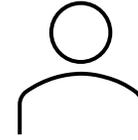


- Communicate to Placement Entity whether you want the unit

## Available Apartment



## Housing Provider



- Accept person who views then indicates they want the unit
- If multiple people view and want a unit, offer it to the person with the longest history of homelessness
- Report reason for rejecting any referrals in CAPS

# Apartment viewing outcomes of prospective tenants

Prospective tenants can only be rejected in accordance with the contracting agency's procedures. All rejection reasons must be detailed in CAPS.

- ▶ Some reasons that could warrant rejecting a prospective tenant are:
  - ▶ Prospective tenant does not meet the unit's funding or contractual requirements
  - ▶ Prospective tenant's income exceeds the maximum income limit for unit
  - ▶ Building/unit does not have features needed by the prospective tenant (roll in shower, elevator, etc.)
  - ▶ Single unit filled by another prospective tenant
- ▶ Some rejection reasons that are not permissible are:
  - ▶ Prospective tenant does not acknowledge their mental illness
  - ▶ Prospective tenant is not truthful during interview about mental health or substance use
  - ▶ Prospective tenant uses substances
  - ▶ Prospective tenant does not currently take prescribed medications
  - ▶ A reason related to a protected class under Fair Housing Law
  - ▶ Prospective tenant doesn't want services

# Low Barrier Admissions Policies for NYC Supportive Housing

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# Low Barrier admissions policies

- ▶ HUD's definition of Low Barrier admission policies specifies that "**Permanent supportive housing's admissions policies are designed to "screen-in" rather than screen-out applicants with the greatest barriers to housing, such as having no or very low income, poor rental history and past evictions, or criminal histories.**"

<https://www.hudexchange.info/resource/3892/housing-first-in-permanent-supportive-housing-brief/>

# Low Barrier admissions policies

- ▶ Some common leasing practices in the rental housing industry, such as conducting credit and criminal background checks as part of the tenant selection process, are noncompliant with the Low Barrier admission policies that are required in supportive housing.
- ▶ In response to HUD's recommendations, the City determined that eliminating credit and background checks is a necessary step to serve New Yorkers more efficiently and equitably.

# Supporting Research

- ▶ Typically, landlords conduct credit checks to determine if the applicant will be able to pay their rent regularly and on time; for supportive housing placements coming with rental subsidy, this information is not applicable. Furthermore, research has shown that credit is not the best predictor of a tenant's ability to pay rent.
- ▶ Research also shows that previous criminal system involvement is not a good predictor of future behavior or successful tenancy.
- ▶ Access to stable, secure housing is correlated with lower rates of recidivism and a higher likelihood of successful reentry (employment, participation in services etc.)
- ▶ Supportive housing is also evidenced to predict significant decreases in justice involvement for participating tenants.

## Sources:

- ▶ <https://www.csh.org/wp-content/uploads/2022/02/Reduce-Homelessness-for-People-Impacted-by-the-Criminal-Legal-System.pdf>
- ▶ <https://www.dshs.wa.gov/sites/default/files/rda/reports/research-11-193.pdf>
- ▶ <https://www.sciencedirect.com/science/article/pii/S0955395912001533>

# Automatic Bars to Admission

- ▶ Some HUD programs require two automatic bars to admission: registered life-time sex offenders and/or convictions regarding production of methamphetamine in public housing. In these cases, the PHA will conduct the screening.
- ▶ If the building is not in one of these programs, these “automatic bars” do not apply.
  - (1) Public housing;
  - (2) Housing receiving project-based or tenant-based assistance under Section 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f);
  - (3) Housing that is assisted under Section 202 of the Housing Act of 1959, as amended by Section 801 of the National Affordable Housing Act (12 U.S.C. 1701q);
  - (4) Housing that is assisted under Section 202 of the Housing Act of 1959, as such section existed before the enactment of the National Affordable Housing Act;
  - (5) Housing that is assisted under Section 811 of the National Affordable Housing Act (42 U.S.C. 8013);
  - (6) Housing financed by a loan or mortgage insured under Section 221(d)(3) of the National Housing Act (12 U.S.C. 1715l(d)(3)) that bears interest at a rate determined under the proviso of Section 221(d)(5) of such Act (12 U.S.C. 1715l(d)(5));
  - (7) Housing insured, assisted, or held by HUD or by a State or local agency under Section 236 of the National Housing Act (12 U.S.C. 1715z-1); or
  - (8) Housing assisted by the Rural Development Administration under Section 514 or Section 515 of the Housing Act of 1949 (42 U.S.C. 1483, 1484).

# Registered sex offenders and residency restrictions

- ▶ The Sex Offender Registration Act does not restrict where a registered sex offender may live. However, the New York State Sexual Assault Reform Act (SARA) has some residency restrictions.
- ▶ If an individual is under parole or probation supervision, state law may limit them from living within 1,000 feet of a school or other facility caring for children.
  - ▶ Level 1 and 2 registered sex offenders are only restricted from being within 1,000 feet of school grounds while on parole or probation. Therefore, under New York State law there are no residency restrictions once parole and probation have been lifted.
- ▶ It is not a landlord's responsibility, nor are they permitted under any law, to enforce residency restrictions placed on a registered sex offender.

<https://www.criminaljustice.ny.gov/nsor/faq.htm>

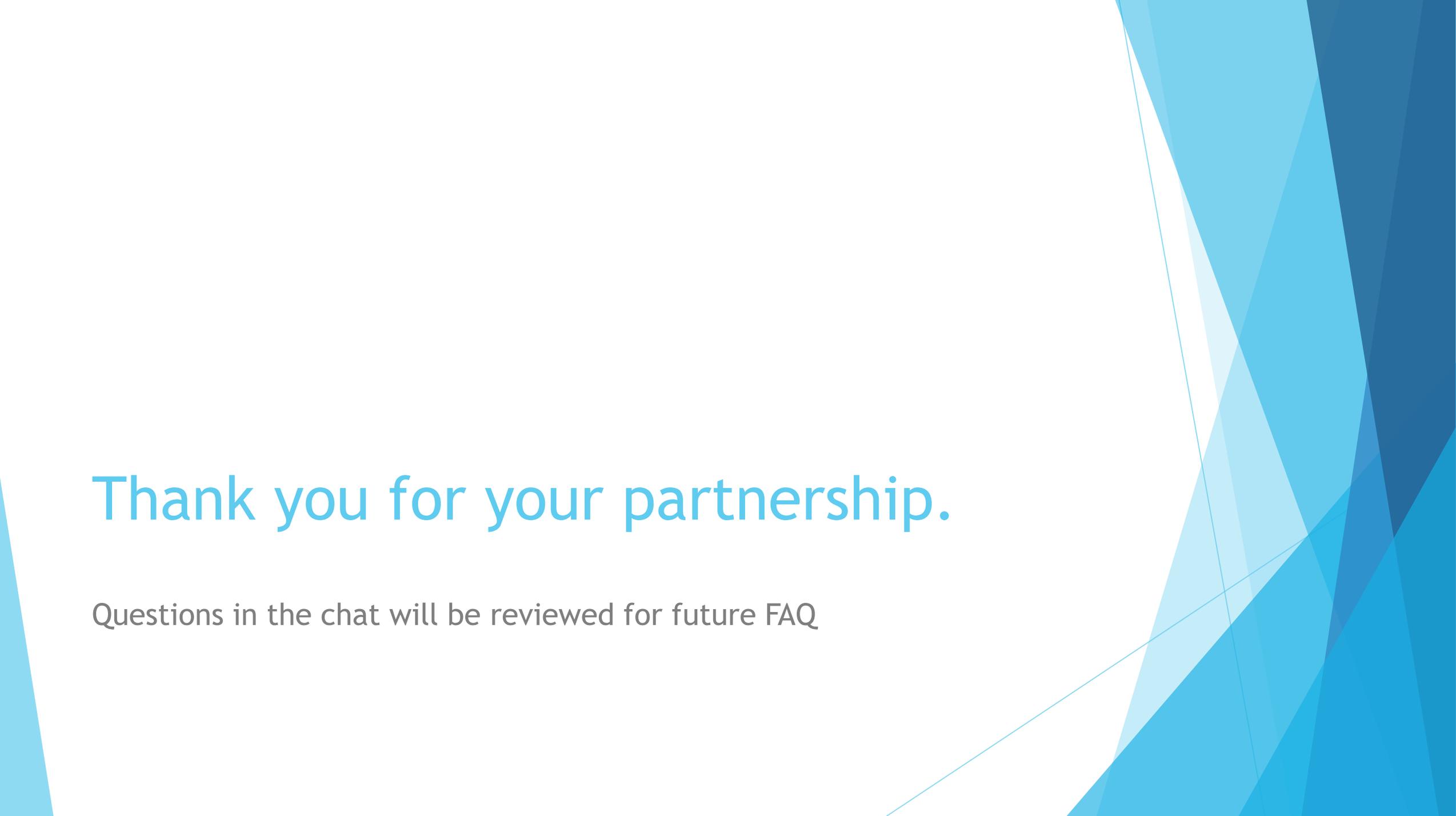
<https://fortunesociety.org/wp-content/uploads/2019/05/NowhereToGo.pdf>

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# Next Steps and Expectations

# Implementation of Policy

- ▶ Share guidance with staff, especially those requesting referrals, conducting interviews and processing intake/admissions.
- ▶ Review written training, intake and admissions policies to ensure compatibility with low barrier admissions policies.
- ▶ Review forms, including document checklists and those management companies utilize, to ensure background and credit checks are eliminated.
- ▶ Request for documents from supportive housing providers and management companies must adhere to the HPD and HDC Rental subsidy and tax code document.

The background features abstract, overlapping geometric shapes in various shades of blue, ranging from light sky blue to deep navy blue. These shapes are primarily located on the right side of the frame, creating a modern, layered effect.

# Thank you for your partnership.

Questions in the chat will be reviewed for future FAQ